

HOUSE JOURNAL
of the
NINETY-SEVENTH GENERAL ASSEMBLY
of the
STATE OF TENNESSEE
SECOND REGULAR SESSION
TUESDAY, FEBRUARY 4, 1992
FIFTY-FOURTH LEGISLATIVE DAY

Pursuant to Senate Joint Resolution No. 38, the House of Representatives of the Ninety-seventh General Assembly met in Second Regular Session at twelve o'clock noon and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Mr. David Langhans.

Representative Duer led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Napier; to attend the annual meeting of the National Association of Conservation Districts.

Representative Nuber; due to death in family.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell,

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

JOURNAL CORRECTIONS

On February 13, 1991, Senate Bills on Second Consideration (p. 371), **Senate Bill No. 130** should have been reported as being referred to the State and Local Government Committee.

In the Finance, Ways and Means Committee Report of March 19, 1991 (p. 769), **House Bill No. 1485** should have been reported as having failed.

In the Calendar and Rules Committee Report for May 16, 1991 (p. 1952), **Senate Joint Resolution No. 249** was inadvertently omitted as having been placed on the Consent Calendar for Monday, May 20, 1991.

The following bills should be listed on p. 2257 for May 30, 1991, Senate Bills Transmitted, as follows:

Senate Bill No. 228 -- Tort Liability -- Revises limits on claims against the State. Amends TCA, Title 9, Ch. 8. (*HB 535)

Held pending third consideration of the companion House Bill.

Senate Bill No. 567 -- Taxes -- Enacts "Tax Reform Law of 1991". Amends TCA, Titles 57, 67. (*HB 303)

Held pending third consideration of the companion House Bill.

REGULAR CALENDAR

***House Bill No. 1528** -- Gambling -- Allows display of gambling devices at trade shows. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 1528, previously considered on May 16, 23, and 29, 1991, at which time it was reset to the first available calendar for 1992.

Rep. Dixon moved that **House Bill No. 1528** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0535 -- Tort Liability -- Revises limits on claims against the state. Amends TCA, Title 9, Ch. 8.

Further consideration of House Bill No. 535, previously considered on May 29, 1991, at which time it was reset to the first available calendar of 1992.

On motion of Rep. Crain, **House Bill No. 535** was withdrawn from the House.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

House Bill No. 1329 -- Pensions and Retirement Benefits -- Authorizes certain sheriffs to participate in TCRS. Amends TCA, Title 8, Ch. 36, Pt. 2.

Further consideration of House Bill No. 1329, previously considered on April 3 and 17, May 1, 1991, at which time it was reset to the first available calendar in February 1992.

Rep. Head moved that **House Bill No. 1329** be reset two weeks to the Calendar for Tuesday, February 18, 1992, which motion prevailed.

House Bill No. 0819 -- Home Improvement Contractors -- Expands application of Home Improvement Law. Amends TCA, Title 62, Ch. 37.

Further consideration of House Bill No. 819, previously considered on May 9 and 13, 1991, at which time it was reset to the first available space in February 1992.

Rep. Bryd moved that **House Bill No. 819** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0400 -- Codes -- Requires state fire marshal to monitor local governments that are exempt from statewide codes. Amends TCA 68-18-101.

Further consideration of House Bill No. 400, previously considered on May 13, 1992, at which time it was reset to the first available space in February 1992.

Rep. Niceley moved that House Bill No. 400 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 400 by adding the following section to precede the effective date section:

SECTION _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 3.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Rep. Niceley moved to amend as follows:

Amendment No. 4

AMEND House Bill No. 400 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 770,000 nor more than 780,000 according to the 1980 federal census or any subsequent federal census.

Rep. Niceley moved that **House Bill No. 400** be reset one week to the Calendar for Wednesday, February 12, 1992, which motion prevailed.

House Bill No. 0399 -- Fire Prevention and Investigation -- Requires certain buildings to have fire protection sprinkler system. Amends TCA, Title 68, Ch. 17, Pt. 1.

Further consideration of House Bill No. 399, previously considered on May 13, 1991, at which time it was reset to the first available space in February 1992.

On motion of Rep. Niceley, **House Bill No. 399** was withdrawn from the House.

House Bill No. 1159 -- Motor Vehicles -- Increases time period for filing written reports of accidents causing damage in excess of \$400. Amends TCA, Title 55.

Further consideration of House Bill No. 1159, previously considered on May 6, 13 and 22, 1991, at which time it was reset to the first available calendar in 1992.

Rep. Davis (Cocke) moved that **House Bill No. 1159** be re-referred to the Calendar and Rules Committee, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 231: Rep(s). Haley as prime sponsor(s).

House Bill No. 400: Rep(s). Sipes as prime sponsor(s).

House Bill No. 853: Rep(s). Odom as prime sponsor(s).

House Bill No. 1609: Rep. Liles as THE prime sponsor; Rep. Nuber as prime sponsor.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0150 -- Memorials, Professional and Business Achievement -- Mt. Olive Cathedral C.M.E. Church, 110th anniversary. by *Jones R.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0444 -- Memorials, Death -- Miller Lanier. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0445 -- Memorials, Professional and Business Achievement -- Department of Safety, 1991 Vehicle Design Contest Winner. by *Wix.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0446** -- Highway Signs -- Lincoln County Veterans' Memorial Bridge. by *Phillips.

Referred by the Speaker to the Transportation Committee.

House Joint Resolution No. 0447 -- Naming and Designating -- Margaret B. Vaughn, Tennessee Poetess-Laureate. by *Phillips.

Referred by the Speaker to the State and Local Government Committee.

House Joint Resolution No. 0448 -- Memorials, Retirement -- William Joseph Vann. by *Phillips.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0449** -- Constitutional Amendments -- Provides that no tax on income of person may exceed 4 percent of person's federal adjusted gross income, and that state sales and use tax may not exceed 6 1/2 percent. Amends Art. II, Sec. 28. by *Buck.

Referred by the Speaker to the State and Local Government Committee.

House Joint Resolution No. 0450 -- Memorials, Retirement -- Robert M. Gilliam. by *West, *Holt.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0451 -- Memorials, Personal Occasion -- Mother Ella Malone, 100th Birthday. by *Jones R.

Referred by the Speaker to the Calendar and Rules Committee.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 0452 -- Memorials, Personal Occasion
-- Fred and Dorothy Henderlight, 41st Anniversary. by *Hill.

Referred by the Speaker to the Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

On motion, the resolutions listed were referred as noted:

***Senate Joint Resolution No. 0312 -- General Assembly, Studies**
-- Continues SJR 471 for computerization and automation of courts.

Referred by the Speaker to the Judiciary Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1491 -- Notice, Public -- Requires publication of
certain notices in newspapers published primarily for distribution
in African American community. Amends TCA, Titles 9, 54. by
*Robinson C B, *Pruitt, *Armstrong, *King, *Love, *Dixon, *Jones R.

Passed first consideration.

House Bill No. 1502 -- Solid Waste Disposal -- Restricts
disposal of motor vehicle tires in landfills. Amends TCA, Title 68,
Ch. 31. by *Whitson, *Head, *Odom, *Halteman, *Stamps, *Peroulas
Draper.

Passed first consideration.

House Bill No. 1503 -- Solid Waste Disposal -- Limits storing or
stacking tires to 500. Amends TCA, Title 68, Ch. 31. by *Whitson,
*Head, *Odom, *Halteman, *Stamps, *Peroulas Draper.

Passed first consideration.

***House Bill No. 1505 -- Education -- Enacts "Alternative**
Placement Program of 1991". Amends TCA, Title 49. by *Phillips.

Passed first consideration.

***House Bill No. 1515 -- District Attorneys -- Gives credit on**
district attorney general salary schedule for other state service.
Amends TCA 8-7-201. by *Phillips.

Passed first consideration.

***House Bill No. 1521 -- Insurance, Health, Accident --**
Authorizes service providers receiving funds from area agency on

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

aging to participate in group insurance plan; requires persons participating be responsible for premiums. Amends TCA 8-27-201. by *Hillis.

Passed first consideration.

***House Bill No. 1530 -- Criminal Procedure --** Clarifies aggravating circumstance upon which jury may impose penalty of death. Amends TCA 39-13-204. by *Windle.

Passed first consideration.

***House Bill No. 1534 -- Pensions and Retirement Benefits --** Provides retirement credit for certain employees of regional library boards. Amends TCA, Title 8, Ch. 35, Pt. 2. by *Hillis.

Passed first consideration.

***House Bill No. 1537 -- Highway Signs --** Provides for placement of signs honoring return of U.S. troops at each county courthouse; appropriates funds. by *Ferguson, *Arriola, *Windle.

Passed first consideration.

House Bill No. 1542 -- Taxes, Real Property -- Deletes requirement that owner of land to which mobile homes are attached be responsible for payment of property taxes imposed upon such mobile homes. Amends TCA 67-5-802. by *Liles.

Passed first consideration.

***House Bill No. 1558 -- Game and Fish Laws --** Permits persons engaged in fish farming to raise to maturity and sell hybrid striped bass. Amends TCA, Title 70, Ch. 4. by *Davis Ray, *Walley.

Passed first consideration.

***House Bill No. 1559 -- Pensions and Retirement Benefits --** Allows certain employees certain credit. Amends TCA, Title 8, Ch. 35, Pt. 2. by *Phillips.

Passed first consideration.

***House Bill No. 1606 -- Licenses --** Excludes DUI school in Lawrence County from Mental Health and Mental Retardation Licensure Law. Amends TCA 33-2-502. by *Moore.

Passed first consideration.

***House Bill No. 1609 -- Criminal Offenses --** Increases penalty for cruelty to animals; establishes civil penalty. Amends TCA, Title 39, Ch. 14, Pt. 2. by *Liles, *Anderson, *Huskey, *Nuber.

Passed first consideration.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

***House Bill No. 1612** -- Alcoholic Beverages -- Authorizes sale in certain counties. by *Rigsby.

Passed first consideration.

House Bill No. 1621 -- Moore County -- Authorizes sale of certain alcoholic beverages. by *Rigsby.

Passed first consideration.

House Bill No. 1627 -- Utilities, Utility Districts -- Increases emergency telephone service charges for Gibson County. Amends TCA 7-86-108. by *Davis Ray.

Passed first consideration.

***House Bill No. 1631** -- Advertising -- Prohibits outdoor advertising on Vietnam Veterans' Boulevard in Sumner County. Amends TCA 54-21-118. by *Stamps, *Wix.

Passed first consideration.

***House Bill No. 1644** -- Constitutional Conventions -- Calls for constitutional convention relative to income taxes. by *Rhinehart.

Passed first consideration.

***House Bill No. 1645** -- Aircraft and Airports -- Requires certain local governments to implement certain zoning measures. Amends TCA, Title 42, Ch. 6. by *Rhinehart, *Love, *DeBerry.

Passed first consideration.

***House Bill No. 1647** -- Education -- Authorizes commissioner of education to reduce required length of school year. by *Haun.

Passed first consideration.

***House Bill No. 1648** -- State Employees -- Provides for mandatory furloughs for certain state employees. by *Haun.

Passed first consideration.

***House Bill No. 1649** -- Appropriations -- Appropriates funds for education. Amends HB 1522/SB 1522. by *Haun.

Passed first consideration.

***House Bill No. 1650** -- Police -- Provides that police officers prevented from completing in-service training because of military service during Desert Storm/Shield receive police pay supplement. Amends TCA, Title 38, Ch. 8, Pt. 1. by *Wix.

Passed first consideration.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

***House Bill No. 1651** -- Teenage Pregnancy -- Creates Tennessee Resource Mothers Program. Amends TCA, Title 68. by *Pruitt.

Passed first consideration.

***House Bill No. 1652** -- General Assembly -- Limits reimbursement of members to one trip from home to Nashville per week. Amends TCA 3-1-106. by *Rhinehart.

Passed first consideration.

***House Bill No. 1653** -- Election Laws -- Authorizes use of computerized printout at polling place instead of printout and duplicate registration records in Hardeman County. Amends TCA 2-5-216. by *Walley.

Passed first consideration.

***House Bill No. 1654** -- Motor Vehicles -- Allows commissioner of revenue to enter into reciprocal agreements relative to the transportation of antique vehicles or antique farm equipment without payment of gasoline or motor fuel taxes or purchase of fuel permits. Amends TCA 67-3-711. by *Phillips.

Passed first consideration.

***House Bill No. 1655** -- Highway Signs -- Smyrna Airport, Exit 66, I-24. by *Liles, *Bragg.

Passed first consideration.

***House Bill No. 1656** -- Financial Disclosure -- Requires person or organization and person heading such organization to be identified as purchaser of political communication. Amends TCA, Title 2, Ch. 19, Pt. 1. by *Bragg.

Passed first consideration.

House Bill No. 1657 -- Judicial Districts -- Creates additional judgeship in 16th judicial district to be elected in August 1992. Amends TCA, Title 16, Ch. 2, Pt. 5. by *Bragg.

Passed first consideration.

***House Bill No. 1658** -- Drugs -- Provides that claimant who prevails at hearing for return of property seized under drug laws not responsible for payment of expenses incurred in storage and transportation of such property. Amends TCA, Title 53, Ch. 11. by *Buck.

Passed first consideration.

***House Bill No. 1659** -- Constitutional Conventions -- Provides for election on holding constitutional convention to amend Art. 11, Sec. 28 and Art. XI, Sec. 9, relative to income taxation; election

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

to be in 1992, convention to be in 1993. by *Buck, *Robinson Robb, *Williams K, *Duer, *Holt, *Hargrove, *Davidson, *Hill, *Pinion, *Curlee, *Crain.

Passed first consideration.

***House Bill No. 1660** -- Contractors -- Exempts church building sanctuary on property owned by the church from meeting contractor licensing requirements if building is designed for 300 or less. Amends TCA 62-6-103. by *Buck, *Crain, *Holt.

Passed first consideration.

***House Bill No. 1661** -- Criminal Offenses -- Deletes requirement that person must have permit to burn within 500 feet of forests, grasslands or woodlands between October 15 and May 15. Amends TCA 39-14-306. by *Buck, *Crain, *Holt.

Passed first consideration.

***House Bill No. 1662** -- Funeral Directors and Embalmers -- Permits persons licensed as embalmers on January 1, 1960, to receive current license upon payment of renewal fees if original license lapsed as voluntary failure to pay renewal fee. Amends TCA, Title 62, Ch. 5. by *Buck.

Passed first consideration.

House Bill No. 1663 -- Mitchellville -- Moves election of mayor and aldermen from first Thursday in December to first Tuesday in November. Amends Chapter 429, Acts of 1909, as amended. by *Wix.

Passed first consideration.

House Bill No. 1664 -- Statutes -- Codifies public acts of 1991. by *Purcell.

Passed first consideration.

House Bill No. 1665 -- Marshall County -- Changes date for adoption of budget from third Monday in July to third Monday in August. Amends Chapter 121, Private Acts of 1945, as amended. by *Phillips, *Fowlkes.

Passed first consideration.

House Bill No. 1666 -- Harriman -- Authorizes sale and taxation of beer in accordance with state law. Amends Chapter 165, Private Acts of 1917, as amended. by *Ferguson.

Passed first consideration.

House Bill No. 1667 -- Kingston -- Prohibits mayor and city council members from holding any other public office. Amends Chapter 328, Acts of 1903, as amended. by *Ferguson.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Passed first consideration.

***House Bill No. 1668** -- Teachers -- Insures continuation of employment and compensation for career ladder educators with 11 and 12 month extended contracts. Amends TCA, Title 49, Ch. 5, Pt. 50. by *Windle.

Passed first consideration.

***House Bill No. 1669** -- Marriage -- Deletes county executive from list of persons authorized to waive three day waiting period. Amends TCA 36-3-107. by *Holt.

Passed first consideration.

House Bill No. 1670 -- Local Education Agency -- Allows reduction in local funding of schools between 1991-1992 and 1992-1993 school years; sets 1990-1991 school year as base for 1992-1993. Amends TCA 49-2-203. by *Phillips.

Passed first consideration.

House Bill No. 1671 -- Highways, Roads and Bridges -- Designates I-840 as scenic highway. Amends TCA, Title 54, Ch. 17, Pt. 1. by *Bragg.

Passed first consideration.

House Bill No. 1672 -- Pensions and Retirement Benefits -- Expands TCRS board of trustees by adding one retired member to be appointed by governor to serve two year term. Amends TCA, Title 8, Ch. 34, Pt. 3. by *Givens.

Passed first consideration.

House Bill No. 1673 -- AIDS -- Creates offense of criminal transmission of HIV; creates affirmative defense that person exposed knew that the infected person was infected with HIV, knew action could result in infection and consented to action; establishes offense as Class C felony. Amends TCA, Title 39, Ch. 13, Pt. 1. by *Givens.

Passed first consideration.

***House Bill No. 1674** -- Highway Signs -- "J.R. Love Bridge" in Carter County. by *Cole, *Whitson.

Passed first consideration.

House Bill No. 1675 -- Personnel Recruiting Services -- Creates Class C misdemeanor offense of charging an individual applicant fee for securing employment; abolishes personnel services board and registration procedures. Amends TCA 62-31-101. Repeals TCA 62-31-102--104, 113, 114, 120; Title 62, Ch. 31, Pt. 2. by *Bivens.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Passed first consideration.

***House Bill No. 1676** -- Pest Control -- Prohibits local governments from regulating pesticide sale or use. Amends TCA, Title 43, Ch. 8; Title 62, Ch. 21. by *Napier, *Collier, *Ridgeway, *Holt, *Phillips, *Bell, *Winningham, *Crain, *Davis Ray, *Pinion, *Niceley, *Davidson.

Passed first consideration.

***House Bill No. 1677** -- School Transportation -- Permits school buses to travel at posted highway speed for highway on which bus is traveling. Amends TCA 49-6-2110. by *Holt.

Passed first consideration.

House Bill No. 1678 -- Garland -- Changes date of municipal election from first Tuesday in March to first Saturday in April; increases terms of office from two to four years; provides elected officials take office at first meeting of board. Amends Chapter 35, Private Acts of 1913, as amended. by *Naifeh.

Passed first consideration.

House Bill No. 1679 -- White County -- Permits maximum litigation tax to be charged, funds to go to courthouse and jail maintenance fund. Amends Chapter 72, Private Acts of 1967. by *Hillis, *Rhinehart.

Passed first consideration.

House Bill No. 1680 -- Sports -- Makes records of TSSAA public records; makes student transfer rules for eligibility in secondary athletic programs inapplicable if transfer because of custody change in student; makes participation in secondary school athletic programs property right. Amends TCA, Title 49, Ch. 2, Pt. 1. by *Buck.

Passed first consideration.

***House Bill No. 1681** -- Criminal Offenses -- Reduces penalty for possession of 1/2 gram of cocaine from Class B felony to Class C felony unless the violation charged involves violence or carrying or use of deadly weapon. Amends TCA 39-17-417. by *Kent.

Passed first consideration.

***House Bill No. 1682** -- Jails, Local Lock-ups -- Provides that counties be reimbursed by state for housing persons charged with felony offenses in accordance with appropriations act and department of correction rules. Amends TCA 41-8-106. by *Kent.

Passed first consideration.

House Bill No. 1683 -- Taxes, Real Property -- Authorizes Shelby

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

County by 2/3 vote of county legislative body to accept payment of property taxes on monthly or quarterly basis. Amends TCA, Title 67, Ch. 5, Pt. 18. by *Haley.

Passed first consideration.

House Bill No. 1684 -- Contractors -- Declares indemnification and hold harmless agreements which are a part of a contract between the state or a political subdivision and a contractor to be void if bodily injury or property damage caused by sole negligence of contractor or his agents. Amends TCA 62-6-123. by *Chumney.

Passed first consideration.

House Bill No. 1685 -- Handicapped Persons -- Requires refueling service at gasoline stations be provided at self-service pumps upon request of handicapped drivers of vehicles displaying plate or placard with cost for gasoline at self-service price; provides exemptions, penalties and enforcement. Amends TCA, Title 55, Ch. 12. by *Phillips.

Passed first consideration.

House Bill No. 1686 -- Marshall County -- Revises time when budget committee must present annual budget from July of each year to August of each year. Amends Chapter 69, Private Acts of 1965, as amended. by *Phillips, *Fowlkes.

Passed first consideration.

***House Bill No. 1687** -- Taxes, Sales -- Releases successor owner of business from sales and use tax liability of original owner if original owner pays amount due or settles with state. Amends TCA, Title 67, Ch. 6, Pt. 5. by *Walley.

Passed first consideration.

House Bill No. 1688 -- Whiteville -- Revises charter relative to mayor and aldermen. Amends Chapter 280, Acts of 1901, as amended. Amends TCA -280-1901. by *Walley.

Passed first consideration.

***House Bill No. 1689** -- Public Officials -- Permits county officials vested in TCRS and covered by state insurance to enroll, without tuition, in one graduate level course, at a state university, which would enhance employment. Amends TCA 8-50-114. by *Walley.

Passed first consideration.

House Bill No. 1690 -- Fees -- Requires fees established under Tennessee Environmental Protection Fund for water utility systems be on a per customer basis, equal and uniform for all such systems. Amends TCA, Title 68, Ch. 1, Pt. 13. by *Phillips, *Fowlkes.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Passed first consideration.

***House Bill No. 1691 -- Taxes, Litigation --** Decreases from 5 percent to 3.5 percent percentage of state litigation tax collected that county clerk permitted to retain for administrative purposes. Amends TCA, Title 67. by *Buck.

Passed first consideration.

***House Bill No. 1692 -- Taxes, Sales --** Makes materials used for lining railroad tank cars and charges for installation or repair of such lining subject to sales tax. Amends TCA, Title 67. by *Buck.

Passed first consideration.

House Bill No. 1693 -- Professions and Occupations -- Requires licensed professional to furnish client a copy of client's records upon written request of client. Amends TCA, Title 10, Ch. 7. by *Buck.

Passed first consideration.

***House Bill No. 1694 -- Taxes, Privilege --** Removes exemptions for persons who provide services under business tax. Amends TCA, Title 67, Ch. 4. by *Buck, *Williams K, *Robinson Robb.

Passed first consideration.

House Bill No. 1695 -- Development Districts -- Authorizes board of Tellico Reservoir Development Agency to remove executive director for failure to perform certain duties; requires certain amount of fees paid to TRDA be placed in Tellico Parkway Reserve Account. Amends TCA, Title 64, Ch. 1, Pt. 7. by *Gunnels.

Passed first consideration.

***House Bill No. 1696 -- County Officers --** Authorizes optional checking system for trustees. Amends TCA, Title 5, Ch. 8, Pt. 2. by *Collier, *Napier, *Rinks.

Passed first consideration.

***House Bill No. 1697 -- Appropriations --** Provides that the state will pay for increased county expenditures which result from enactments of the general assembly which mandate salary increases for county officials. Amends TCA, Title 8; Title 9, Ch. 6. by *Napier, *Hubbard.

Passed first consideration.

***House Bill No. 1698 -- County Government --** Abolishes present system of litigation to establish salaries and positions for fee offices; requires such salaries and fees to be established by enactment of county legislative body. Amends TCA, Title 8, Ch. 20, Pt. 1. by *Napier.

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

Passed first consideration.

House Bill No. 1699 -- Local Education Agency -- Allows reduction in local funding of schools between 1991-1992 and 1992-1993 school years; sets 1990-1991 school year as base for 1992-1993. Amends TCA 49-2-203. by *Napier.

Passed first consideration.

***House Bill No. 1700** -- Education -- Requires local school board to submit to county legislative body proposed budget and support documents breaking down categories. Amends TCA, Title 49, Ch. 2. by *Buck, *Holt, *Crain.

Passed first consideration.

House Bill No. 1701 -- State Government -- Enacts "State Government Quality Improvement Act of 1992". by *Chumney, *Haun.

Passed first consideration.

***House Bill No. 1702** -- Constitutional Conventions -- Provides for election on holding constitutional convention to amend Art. II, Sec. 28 and Art. XI, Sec. 9, relative to income taxation and Art. XI, Sec. 5, relative to lotteries; election to be in 1992, convention to be in 1993. by *Chumney.

Passed first consideration.

***House Bill No. 1703** -- Debtor Creditor Relations -- Makes person who dishonors check liable for service charges incurred by payee in attempting to recover for bad check. Amends TCA, Title 47, Ch. 29, Pt. 1. by *Fowlkes.

Passed first consideration.

***House Bill No. 1704** -- Highways, Roads and Bridges -- Revises population figures so that Giles County remains in law requiring qualifications for chief administrative officer of county department which builds and maintains roads of county. Amends TCA 54-7-104. by *Fowlkes.

Passed first consideration.

House Bill No. 1705 -- Pulaski -- Deletes regulation of taxis. Repeals Chapter 711, Private Acts of 1949, as amended. by *Fowlkes.

Passed first consideration.

House Bill No. 1706 -- White County -- Enacts hotel/motel tax. by *Hillis.

Passed first consideration.

***House Bill No. 1707** -- Law Enforcement -- Extends from 15 to 30

TUESDAY, FEBRUARY 4, 1992 -- FIFTY-FOURTH LEGISLATIVE DAY

days holding period for precious metals held by scrap dealers or pawnbrokers. Amends TCA, Title 38, Ch. 1; Title 45, Ch. 6. by *Napier, *Kent, *Wix.

Passed first consideration.

House Bill No. 1708 -- Equalization Board -- Prohibits contingent fee compensation of witnesses before the boards of equalization. Amends TCA 67-5-1514. by *Kisber.

Passed first consideration.

House Bill No. 1709 -- Taxes, Real Property -- Requires payment of undisputed amount of real property taxes assessed against utilities; allows payment of disputed portion. Amends TCA 67-5-1329. by *Kisber.

Passed first consideration.

***House Bill No. 1710** -- Taxes -- Makes certain revisions to tax provisions. Amends TCA, Title 67, Chs. 2, 4, 67-6-102, 67-6-702. by *Givens.

Passed first consideration.

***House Bill No. 1711** -- Education -- Requires instruction in black history and culture at some appropriate grade level, as determined by LEA; imposes penalties for non-compliance during or after 1993-1994 school year. Amends TCA, Title 49. by *Dixon, *Pruitt, *Armstrong.

Passed first consideration.

House Bill No. 1712 -- Highway Signs -- "Veterans Memorial Drive," SR 50, Franklin County. by *Rigsby.

Passed first consideration.

BILLS WITHDRAWN

On motion of Rep. Haun, House Bills Nos. 1647, 1648 and 1649 were withdrawn from the House.

SENATE BILL TRANSMITTED

On motion, the Senate Bill listed below, transmitted to the House, was held on the Clerk's desk as noted:

Senate Bill No. 1634 -- Tipton County -- Revises wheel tax. Amends Chapter 360, Private Acts of 1959, as amended. (HB 1643).

Held pending third consideration of companion House Bill.

REPORT RECEIVED

Pursuant to TCA 8-37-104, the Board of Trustees of the Tennessee Consolidated Retirement System submitted a report of all South Africa related investments at December 31, 1991; a copy is filed with the Clerk's office.

REPORT OF SELECT COMMITTEES

Pursuant to TCA 3-15-108, the Select Oversight Committee on Correction submitted its December report to the Clerk.

Pursuant to HJR 440 of the 96th General Assembly and HJR 279 of the 97th General Assembly, the General Public Assistance Study Committee submitted its final report to the Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
February 4, 1992

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 10, 1992: House Resolution(s) No(s). 150; House Joint Resolution(s) No(s). 444, 445, 448, 450, 451 and 452.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tultos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, February 5, 1992.